UNITED
NATIONS

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

Distr.
GENERAL

CEDAW/C/BDI/1
3 July 2000
ENGLISH
ORIGINAL: FRENCH

COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN
(CEDAW)

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Initial reports of States parties

BURUNDI

00-52367 (E)

CONTENTS

	Page
INTRODUCTION	5
PART 1: GENERAL INFORMATION	5
1. Background	5
1.1. The socio-political situation	6
1.2. The economic and social context	6
1.3. The legal context	7
2. Conditions under which certain rights are protected	9
PART 2: SPECIFIC INFORMATION ON THE IMPLEMENTATION OF EACH PROVISION OF THE CONVENTION	10
1. Institutional and legal framework guaranteeing equal rights	10
2. Measures taken to establish equality of opportunity between men and women	11
3. Measures taken to establish de facto equality	12
4. Measures taken to eliminate prejudices and customary practices harmful to women	12
5. Traffic in and prostitution of women	13
6. Political and public life and international representation	15
7. Nationality	18
8. Education	19
9. Employment	23
10. Health	28
Reproductive health and family planning	29
Anti-AIDS campaign	30
Distribution of health services between rural and urban areas	31
Abortion	31
Traditional practices prejudicial to women's health	32

/...

CONTENTS (continued)

		Page
	Adolescent pregnancy	32
	Maternal breastfeeding	32
11.	Economic and social life	33
12.	Rural women	35
13.	The legal capacity of women	36
14.	Marriage	37
CONCLUSION		40
Bibliography		42
Annex		43

ACRONYMS AND ABBREVIATIONS

ABUBEF	Family Welfare Association of Burundi
APEF	Association for the Economic Advancement of Women
ASAP	Support for Public Administration Sector
BRB	Bank of the Republic of Burundi
CECM	Savings and Credit Union Bank
CPF	Code of the Person and the Family
CPPF	Coordination Office of the Family Planning Programme
EVF/EMP	Education for Family Life/Education in Population
UNFPA	United Nations Population Fund
IEC	Information, Education, Communication
MASPF	Ministry for Social Action and the Advancement of Women
MPDR	Ministry of Development Planning and Reconstruction
NGO	Non-governmental organization
SAP	Structural adjustment programme
PSI	Health Information Project
GDP	Gross domestic product
AIDS	Acquired immunodeficiency syndrome
UFB	Union of Women of Burundi
HIV	Human immunodeficiency virus

INTRODUCTION

By Decree-Law No. 1/006 of 4 April 1991 Burundi ratified without reservation the Convention on the Elimination of All Forms of Discrimination against Women. In so doing, Burundi undertook to apply the Convention meticulously.

Two years after signing the Convention Burundi entered the period of socio-political crisis which has been going on since October 1993 and has had an adverse impact on all areas of national life. In addition to costing thousands of human lives, the crisis has driven hundreds of thousands of people from their homes. More than 70 per cent of these people, their number estimated in 1994 at 10 per cent of the country's population, were women and children,1/ who were living in conditions of indescribable deprivation and overcrowding. The effects of this crisis have been exacerbated by the blockade imposed in 1996 on a land-locked country already damaged by civil war.

It was in this context that the present assessment of the implementation of the Convention was prepared. Thus, this is not an ideal time for delivering fine performances with regard to the protection of human rights in general and of women's rights in particular. In presenting this initial report Burundi is absolutely determined to describe the situation as it is.

The underlying purpose of this document is not only to examine the texts of Burundi's legislation relating to the Convention but also to highlight the measures taken in the various sectors involving women. In the light of the Convention, a brief analysis has been made of the situation of women in several big areas.

Part 1 gives some general information about Burundi, while Part 2 contains specific information on the implementation of each provision of the Convention.

PART 1: GENERAL INFORMATION

1. BACKGROUND

Burundi is a land-locked country in sub-Saharan Africa, situated in the Great Lakes region between the Democratic Republic of the Congo, Rwanda and Tanzania. It has an area of 27,834 km^2, including 2,000 km^2 of lakes, and a population estimated in 1997 at 6.4 million, with a density of 219 inhabitants per square kilometre. Burundi is thus one of the most overpopulated countries of Africa. With a growth rate of 2.8 per cent a year combined with an increasingly young profile, the population will total 12.3 million in 2025.2/

Agriculture provides the livelihood of 93 per cent of the population; this means that the strong demographic pressure leads to over-farming of the land and

---

1/ Study on the situation of women stricken by the crisis in Burundi. Projets UPP/APF, Bujumbura, April 1995.

2/ State of World Population Report, UNFPA, 1997.

fragmentation of family farms, many of which are under one hectare in size. Agricultural production, which contributes 56 per cent of GDP, is left in the hands of women, who number an estimated 51 per cent of the total population.

Burundi is in the category of least developed countries, with an annual per capita income of 155 dollars in 1993.3/ The situation has deteriorated owing to the socio-political crisis which broke out in October 1993 and is compromising the development prospects of a country which in the past had delivered generally acceptable economic performances, with a relatively large degree of advancement of women.

The current socio-political and economic situation is well described in the Rapport National de Développement Humain au Burundi 1997, some elements of which are reproduced in sections 1.1 and 1.2 below.

1.1. The socio-political situation

Since 1993, three years after independence, Burundi has been experiencing socio-political crises characterized by ethnic conflicts. The latest and deepest crisis dates from the start of the democratization process in 1992. It broke out on 21 October 1993 following the assassination of the elected President, Melchior Ndadaye, and the subsequent ethnic genocide and massacres. The President's death created an institutional vacuum. In order to fill it, two big political families - the presidential group and the opposition - established a Government Agreement, which failed to function harmoniously or to counteract the increasing and widespread insecurity.

This situation led to the changes of 25 July 1996, which restored to power the former President, Major Pierre Buyoya. In order to restore security, the new authorities undertook a general peace programme, including an internal dialogue and negotiations with the armed groups. The political parties and civil society were involved in these two processes. Relations between the Executive and the Legislature improved. This improvement manifested itself in particular in the joint recognition of the Political Platform on the Transition Regime, which is the fundamental reference text for the present institutions.

1.2. The economic and social context

The political scene has had a strong influence on a socio-economic situation characterized before the crisis by relatively good economic performances.

Since 1986 the Government had been carrying out a programme of economic reforms designed to restore the economic and financial balances and create a favourable environment for lasting and sustained economic growth. The main economic-strategy measures taken since that time have had limited effects, which themselves have been undermined by the development of the crisis. In fact, two of the main features of the current social and economic context are stagnation of the fundamental operations and the blockade decreed by the countries of the subregion. This has rendered the overall socio-economic situation even more

---

3/ Rapport National de Développement Humain au Burundi 1997.

precarious, and every comment made on this subject testifies to a collapse of all the indicators. Although the average growth rate was maintained at 3.8 per cent a year between 1986 and 1992 and although during that same period the 1980-1985 inflation rate of 9 per cent was brought down to an average of 6 per cent,

- The inflation rate reached 26 per cent in 1996;

- GDP fell by 20 per cent between 1992 and 1996, and farm output by 22 per cent. Before 1993 the country had enjoyed food self-sufficiency but now depends heavily on international aid;

- The proportion of the population living below the poverty line increased from 34.84 per cent in 1992 to 58.12 per cent in 1996. The situation has continued to deteriorate day by day.

In social terms, in addition to the loss of human life, many people have been dispersed or displaced or turned into refugees with their property destroyed. Thirty per cent of the education and health infrastructure has been damaged or destroyed.

1.3. The legal context

The traditional society is a patriarchal and patrilinear one, in which a woman is constantly under the protection of a father, brother, uncle, husband or family council. Women have more duties than rights and must subordinate themselves to the customs and practices governing the relations between men.

Statute law has tried to correct this situation, and the Code of the Person and the Family (CPF), as amended in 1993, illustrates the wish of the Legislature to pull down the traditional obstacles to the emancipation of women.

Decree-Law No. 1/088 of 6 June 1998, promulgating the Constitutional Act of Transition of the Republic of Burundi, states: "Respect for the rights and duties proclaimed and guaranteed by the Universal Declaration of Human Rights, the international human rights covenants, the African Charter on Human and People's Rights, and the Charter of National Unity are guaranteed by the present Constitutional Act" (art. 12).

Accordingly, the international human rights instruments are an integral part of Burundi's legislation. Article 15 of the same Decree-Law states: "All persons are equal in dignity and in rights and duties without distinction as to sex, origin, race, religion or beliefs. All persons are equal before the law and are entitled without distinction to equal protection by the law."

Since the signature of the Convention in 1991 two decree-laws have introduced fundamental changes in the legal situation of women in Burundi:

- Decree-Law No.1/024 of 28 April 1993, amending the Code of the Person and the Family (CPF); and

- Decree-Law No. 1/037 of 7 July 1993, revising the Labour Code.

Code of the Person and the Family (CPF)

The 1993 amendment of the CPF demonstrate Burundi's determination to eliminate the de facto and de jure discrimination inherent in the status of women in Burundi:

- Abolition of polygamy;
- Abolition of the unilateral repudiation formerly the exclusive privilege of the husband;
- Divorce made a judicial matter, and its grounds now the same for men and women;
- Regulation of the age of marriage: 18 years for women and 21 years for men;
- Right of girls to express their free consent to marriage;
- Custody of children granted automatically to the mother, without application to the family council, if the father is absent or incapacitated;
- Right of joint management of family property granted to women;
- Right of joint management of family property granted to the wife if the husband is absent; etc.

Under the former CPF, relations between spouses were based on the notion of the wife's obedience. The 1993 reforms instituted new family relations based on equality of rights and duties, respect for human dignity, and a concern for justice.

Labour Code

The Labour Code as revised in 1993 is part of a social policy designed to secure social justice, economic and social development, and liberalization of employment. Chapter V deals specifically with women and work:

- Pregnant women;
- Women taking maternity leave;
- Rights of women during the breastfeeding period.

However, improvements could be made in this Code to provide further protection of the rights of women workers and the maternity-related rights. At present the Civil Service Benefits Fund does not pay for certain products and materials used during confinement, and the beneficiary must bear 100 per cent of these costs herself. In addition, some employers in the private sector do not pay full wages to women taking maternity leave.

Criminal Code

The Criminal Code has not been revised to bring it into line with the new provisions of the CPF.

Nationality Code

The Nationality Code does not authorize women married to foreigners to pass Burundian nationality to their husbands or children under the same conditions as apply to men married to foreigners.

Areas still governed by customary law

Matrimonial arrangements, succession, and legacies and gifts are still governed by customary law. These areas should be regulated by statute law to bring them into line with the requirements of equality as stated in the Constitutional Act of Transition and the various international instruments to which Burundi has acceded.

2. CONDITIONS UNDER WHICH CERTAIN RIGHTS ARE PROTECTED

There are two institutions - the Ministry for Social Action and the Advancement of Women, and the Ministry for Human Rights, Institutional Reform and Relations with the National Assembly - whose responsibilities include ensuring respect for the Convention. They are supported in this work by human rights leagues and women's NGOs (Association of Women Lawyers, associations working in the fields of micro-credit, family welfare, peace, etc.).

The first-mentioned Ministry is responsible for the coordination, monitoring and evaluation of the state of implementation of international and national resolutions on the advancement of women. In 1998 it finalized a national action plan for the implementation of the Beijing Platform for Action. Measures to be carried out up to 2000 were specified for six areas regarded as priorities for the advancement of women:

- Women, peace and culture;
- Health;
- Education and training;
- Women and poverty;
- Women's rights and institutional machinery for their promotion;
- Women and communication.

The implementation of this plan will enable Burundi to take a step forward in the incorporation of its women in the development process.

PART 2: SPECIFIC INFORMATION ON THE IMPLEMENTATION OF EACH PROVISION OF THE CONVENTION

1. INSTITUTIONAL AND LEGAL FRAMEWORK GUARANTEEING EQUAL RIGHTS

Article 2 of the Convention

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national legal provisions which constitute discrimination against women.

Constitutional and legal framework

Article 17 of the Constitutional Act of Transition contains a provision establishing the equality of men and women in these terms: "All persons are equal in dignity and in rights and duties without discrimination as to sex, origin, race, religion or beliefs. All persons are equal before the law and are entitled without distinction to equal protection by the law."

An effort has been made with respect to personal status and capacity. The Code of the Person and the Family (CPF), as amended to date, has eliminated many provisions discriminating against women, especially with respect to the law and the sharing of responsibilities, custody of children, parental authority, guardianship, adoption, etc. Discrimination is found mainly at the practical level and in matters still governed by custom, in particular succession.

However, there are still defects in the Criminal, Labour and Nationality Codes, as pointed out above.

Institutional framework

A ministry for the advancement of women was created in 1983 by Decree-Law No. 100/5 of 13 February on this ministry's organization. Its mission is to:

- Formulate the Government's policy for the advancement of women and their incorporation in the country's socio-economic development;

- Attend to this policy's implementation.

This Ministry, in conjunction with the Union of Women of Burundi (UFB), has introduced many changes to promote the advancement of women. It is thanks to UFB awareness-raising activities that parents have begun to send their daughters to school. Through UFB, women and girls have learned to move outside the closed family environment in which tradition would confine them. UFB was also behind the drafting of the CPF. The Ministry has contributed to the improvement of some of the provisions of the CPF. Although the presence of women in public affairs is still a small one, it is thanks to the work of these two bodies that this progress has already been made by the women of Burundi.

In the 1990s the work of these two bodies began to be supplemented by the activities of women's associations in various fields: the law, micro-credit, family welfare, peace, etc. Many of them joined together to form the Collective of Women's Associations and NGOs of Burundi (CAFOB).

There are also legal aid services for women in the Ministry and in the Association of Women Lawyers. These two services need support to make them more operational.

2. MEASURES TAKEN TO ESTABLISH EQUALITY OF OPPORTUNITY BETWEEN MEN AND WOMEN

Article 3 of the Convention

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

The State of Burundi has taken certain measures to ensure the full development and advancement of women with a view to guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality. In the political field, for example, there was the creation of the Ministry for Social Action and the Advancement of Women. In the economic and social fields the Government has encouraged the establishment of women's associations and development projects for women. These initiatives and programmes were conceived as means improving the situation of women and facilitating their access to education, jobs, training, and welfare in general.

3. MEASURES TAKEN TO ESTABLISH DE FACTO EQUALITY

Article 4 of the Convention

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

In the field of education, the drop-out rate between primary and secondary has been very high up till now owing to the limited number of places at the secondary level. Before the creation of the communal schools, only 10 per cent of all the children passing the entrance examination were admitted to secondary courses.

In the 1970s the Government tried to increase the rate of secondary enrolment by girls by giving them preferential treatment in the entrance examination. Girls were admitted to secondary with slightly lower marks than boys. But this arrangement, which helped to improve the girls' rate, is no longer in force, because some people thought that it might perpetuate girls' inferiority complex.

The Government is aware that other corrective measures will have to be taken in the regions with a low general rate of school attendance, and for the Batwa children in particular (more schools, compulsory education for all children up to age 16, awareness-raising and incentives and coercive measures aimed at parents, etc.).

Other initiatives are to be taken to help women in the areas in which they still lag behind men, such as access to well paid jobs and to posts of responsibility.

4. MEASURES TAKEN TO ELIMINATE PREJUDICES AND CUSTOMARY PRACTICES HARMFUL TO WOMEN

Article 5 of the Convention

States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility

of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

The status of Burundi's women has long been determined by their role as wives and mothers. Their standing in society depended on the number of children, especially boys, that they produced. Although relegated to second place in the life of society, women were respected and consulted as wives and mothers, but they were not allowed to express themselves in public. Still today at traditional festivals or ceremonies, even when they are the parties principally concerned, women express themselves by delegation. The difficult beginnings of education for girls, who at the outset took only courses in domestic science or nursing or courses for non-teaching classroom assistants, have helped to keep women at this inferior level.

Following the creation of the Union of Women of Burundi (UFB) women became aware of the role that they could play in society, apart from the role of wife and mother. But the weight of prejudice still bears down on them, for very few women occupy leading positions in the National Assembly, the civil service, the magistracy, or public or private corporations.

In addition, traditional society was more stringent and demanding with respect to girls. For example, a pregnant girl used to be condemned to death by her own family. And still very recently she would definitely have been driven out of the school system. But the situation has improved, and a girl can resume her studies after giving birth, although in a different school.

5. TRAFFIC IN AND PROSTITUTION OF WOMEN

Article 6 of the Convention

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

The Government has taken legislative measures to suppress all forms of traffic in women and exploitation of their prostitution. Articles 371-390 of the Criminal Code, in the chapter dealing with immoral acts, provide severe penalties for prostitution, incitement to debauchery or prostitution, acts of indecency, and rape.

However, following the crisis the phenomenon of prostitution has taken on new dimensions owing to the extreme poverty of the affected population and the overcrowding in the camps where they live.

Prostitution

In order to prevent this social evil, the law states that any person who engages in prostitution may be ordered by decision of the local court (cour de résidence), whose functions include ruling on a person's status and capacity, to comply for a period not exceeding one year with one or several restrictions, including the following:

- Not to leave the area specified in the decision;

/...

- To undergo measures of examination, treatment or care, in a hospital if necessary.

It is also stated that failure to comply with one of the restrictions imposed by the court shall be punishable by a term of imprisonment of between three and six months and a fine of between 2,000 and 5,000 francs or by only one of these penalties. The details of all these measures will be found in article 371 of Book II of the Criminal Code.

Incitement to debauchery or prostitution

This offence, which often involves women and their degradation, is dealt with in the provisions of articles 372-375 of Book II of the Criminal Code. The penalties range from imprisonment for three months to five years and a fine of between 2,000 and 5,000 francs for any person who commits an immoral act by inciting, facilitating or encouraging, to satisfy the lust of others, the debauchery, corruption or prostitution of persons of either sex aged or apparently aged over 21 years.

The penalties may be doubled or increased up to 10 years' imprisonment if the person subjected to the debauchery, corruption or prostitution is aged or apparently aged under 21 years (art. 372).

A sentence of three months' to five years' imprisonment and a fine of between 10,000 and 100,000 francs may also be imposed on any person who, for purposes of depravity or prostitution, recruits, inveigles or abducts another person, whether a minor or not, even with that person's consent. The same penalties may be imposed on any person who maintains for those same purposes another person, whether a minor or not, even with that person's consent (art. 373).

Furthermore, a sentence of six months' to five years' imprisonment and a fine of between 10,000 and 100,000 francs may be imposed on any person who, by threats, pressure, manipulation or any other means, impedes measures of prevention, assistance or re-education taken by qualified agencies to help persons engaging in prostitution or in danger of prostitution (art. 374).

Exploitation of prostitution

This offence is addressed and sanctioned in Burundi's legislation. Any person who himself or through an intermediary directs, manages, knowingly finances or contributes to the financing of a house of prostitution may be sentenced to one to five years' imprisonment and a fine of between 20,000 and 100,000 francs (art. 375).

The same penalties may be imposed on any person who, in any way whatsoever, shares in the proceeds of the prostitution of another person, whether a minor or not, even with that person's consent, or who receives payments from a person habitually engaging in prostitution (art. 376).

Facilitation of prostitution

This manoeuvre, which some persons may use to evade the penalties provided for prostitution, is also addressed and sanctioned. Any person who, in any way whatsoever, knowingly aids, assists or protects the prostitution of another

person or soliciting for purposes of prostitution may be sentenced to three months' to three years' imprisonment and a fine of between 10,000 and 50,000 francs (art. 377).

Furthermore, a person who acts as any kind of intermediary between persons habitually engaging in prostitution is liable to the same penalties (art. 378).

Facilitation also consists of knowingly letting or renting the whole or a part of a building or any other premises for purposes of the prostitution of another person. This also constitutes an offence punishable by one to three years' imprisonment and a fine of between 6,000 and 50,000 francs or by only one of these penalties (art. 379).

Indecent acts, rape and affronts to public decency

These offences are connected with prostitution and deserve mention here. Even though they are of general scope, they have been established in order to discourage traffic in women and their exploitation. The reason is that the victims of these offences are usually women.

Articles 382-390 of Book II of the Criminal Code offer clear definitions of indecent acts, rape, and affronts to public decency and specify how these offences are committed and the penalties to be imposed. Even a sentence of death or life imprisonment may be imposed if a rape or affront to public decency causes the death of its victim (art. 386).

Generally speaking, the traffic in and exploitation of women is not a phenomenon of Burundi's society. But prostitution does exist in hidden forms in the towns and the camps of the victims of the crisis.

6. POLITICAL AND PUBLIC LIFE AND INTERNATIONAL REPRESENTATION

Article 7 of the Convention

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Article 8 of the Convention

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to

represent their Governments at the international level and to participate in the work of international organizations.

There is no discrimination against women in Burundi with regard to voting. Legislative Order No. 2/249 of 1 August 1961 states that voters are persons aged 18 years or over. Article 4 of Decree-Law No. 1/22 of 16 March 1993, which contains the Electoral Code, states: "Voters are citizens of Burundi of either sex aged 18 years or over on the date of the election, in possession of their civil and political rights and not suffering any of the forms of electoral incapacity specified in the present Code."

Women may also stand for election, and there are indeed women representatives of the people. Women have the right to take part in the formulation and implementation of State policy, hold public office, and perform all public functions at all levels of the Government. Women also have the right to participate in NGOs and associations concerned with the public and political life of the country.

However, although there are no institutional or legislative barriers, women are under-represented in all posts of responsibility, as the following tables show:

Women's participation in decision-making posts and posts of responsibility

	1990			1993			1998		
	Total	Women		Total	Women		Total	Women	
Post		No.	%		No.	%		No.	%
Minister	24	2	8.3	24	2	8.3	22	1	4.5
Principal private secretary	27	0	0	23	2	8.7	22	2	9.0
Director-General	79	2	2.5	81	4	4.9	40	1	2.5
Governor of Province	16	0	0	16	1	6.3	17	0	0
Adviser to Governor	45	0	0	45	0	0	48	0	0
Commune administrator	114	0	0	114	2	1.7	114	0	0
Ambassador	22	0	0	22	1	4.5	16	2	12.5
Embassy counsellor	47	6	12.8	47	6	12.8	23	5	21.7
Embassy secretary	5	0	0	6	1	16.7	4	0	0
Total	379	10	2.6	378	19	5.03	352	11	3.1

Source: ASAP Bureau - Analysis of Civil Service Posts.

In 1990 only 2.6 per cent of political posts were held by women. There was a small increase in 1993 to 5.03 per cent, but the figure fell back to 3.4 per cent in 1998. The post of Prime Minister was held by a woman from July 1993 to February 1994.

The following are the main constraints which limit women's participation in public life and produce their low rates of participation in decision-making posts:

- Weight of tradition, which perpetuates women's inferiority complex and prevents them from engaging in politics and asserting themselves;

- Low enrolment rate of girls at the higher levels of education;

- Absence of concrete measures to encourage the promotion of women to posts of responsibility; otherwise, the women's participation rate would be close to their rate of higher-level education, which is 26.8 per cent;

- Family duties, especially for young mothers.

Women's participation in the Parliamentary Assembly

Year	Total members	Women		Men	
		Number	%	Number	%
1982	65	6	9.20	59	90.80
1993	81	10	12.30	71	87.70
1994	81	10	12.30	71	87.70
1995	81	9	11.10	72	88.90
1996	51	5	9.70	46	90.30
1997	56	9	16.07	47	83.90
1998	117	17	14.53	100	85.47

Source: Rapport National de Développement Humain au Burundi 1997, p. 73.

Women were elected to Parliament for the first time in 1982, with a participation rate of 9.2 per cent. Women are currently under-represented in the governing bodies of the political parties - which explains why their participation rate in the Parliamentary Assembly has not improved much since 1982.

The Judiciary operates at two levels: the free justice dispensed in rural areas by Bashingantahe (wise men), and the justice delivered by the courts. Traditionally the institution of Bashingantahe was exclusively male. A national consultative body of Bashingantahe consisting of eight women and 32 men was set up in 1998. Since then some regions have followed this example and elected women Bashingantahe.

The situation in the courts is as follows:

Women's participation in the Judiciary

Post	Total	Men	Women No.	Women %
Higher Council of the Magistrature	12	9	3	25.0
Constitutional Court	7	4	3	42.9
Supreme Court	11	9	2	18.2
Office of Prosecutor General of the Republic	8	7	1	12.5
Courts of Appeal and Administrative Court	52	38	14	26.9
Prosecutor's offices attached to Court of Appeal	15	13	2	13.3
Offices of Prosecutor of the Republic	49	41	8	16.3
Court of First Instance, Commerce, Labour	92	68	24	26.1
Criminal Investigation Police	153	144	9	5.9
Local courts	439	363	76	17.3
Total	838	696	142	16.9

Source: Ministry of Justice, October 1998.

As the table shows, women are also under-represented in the Judiciary. But in contrast with other institutions the degree of representation decreases from the top downwards, i.e. from the higher to the local jurisdictions.

7. NATIONALITY

Article 9 of the Convention

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

The Nationality Code establishes the equality of men and women with regard to changing or retaining Burundi nationality. Neither marriage to an alien nor change of nationality by the husband during marriage alters the nationality of the wife without her consent, renders her stateless or forces upon her the nationality of the husband.

The Code accords an advantage to a foreign woman married to a national of Burundi with respect to acquisition of Burundi nationality: article 1 (d) allows the foreign woman to acquire Burundi nationality by option. She merely has to make a simple declaration to a notary public within the two months following the marriage. Once a foreign woman has obtained Burundi nationality she automatically acquires the political, civil and economic rights and the other rights attached thereto.

But a woman of Burundi nationality who marries an alien does not transmit her nationality to him on the same terms. Consequently, any children born of the marriage will not have the mother's nationality either.

There are two possibilities for the nationality of the children:

- A child born of a known father who acknowledges him automatically has the father's nationality, for Burundi society is patriarchal and does not accept dual nationality;

- A child who is born of an unknown father and is not acknowledged by any one automatically has the mother's nationality. Discrimination persists on this point: a Burundi woman gives her nationality to her child only when the child is born of an unknown father and is not acknowledged by any one else.

A further point on nationality: minor children may travel abroad on either their mother's or their father's passport, and the wife is entitled to obtain passports for such children without her husband's consent.

8. EDUCATION

Article 10 of the Convention

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Burundi's education system knows no kind of discrimination against women. Article 34 of the Constitutional Act of Transition reaffirms the earlier texts and states: "Every citizen has the right of equal access to instruction, education and culture".

However, the weight of custom and the people's mind-set mean that there are still disparities between boys and girls in their schooling, especially in rural areas. At present, many measures in favour of the education of all children have been undertaken by the authorities:

- The gradual switch to coeducation in primary and secondary schools from the 1973/74 school year has boosted the primary enrolment of girls;

- The double-shift system to achieve universal school attendance by 2000 was intended to double the attendance rate with the same resources by dividing the pupils into two sets which would attend before and after midday. The crisis has undermined this goal, and its achievement date has been put back by 10 years;

- The positive discrimination in favour of girls in the 1970s enabled more of them to enrol in secondary school;

- The increase in the number of schools through the creation of communal colleges.

In addition, the female drop-out rate has fallen considerably thanks to the efforts to raise awareness made jointly by the Government, the churches, NGOs and women's associations.

Evolution of primary enrolment by sex, 1982/83 to 1992/93 and 1996/97

School year	Total	Total girls	% girls
1982/83	272 216	101 521	37.31
1987/88	528 487	232 772	44.04
1992/93	649 369	292 402	45.03
1996/97	444 193	201 898	45.45

Source: Planning Office and Department of Primary Education.

The table shows a sustained increase in pupil numbers since 1982/83 under the double-shift system. The number of girls also increased and their participation rate rose before stabilizing at 45.45 per cent. The overall decline in numbers in 1996/97 is due to the crisis, which has caused the destruction of infrastructure, population displacement, and increased poverty.

The very low intake capacity in secondary education constitutes a bottleneck for students regardless of their sex. Some 10 per cent of the students who take the secondary entrance examination are admitted. Drop-outs at this level are more numerous among girls, who find it difficult to cope with multiple repeated years in the sixth grade of primary. They are required for domestic work and/or marriage. Despite the positive discrimination in their favour introduced at one point, the girls' secondary attendance rate remains lower than that of boys.

Girls and boys follow the same programmes, including sports and physical education, take the same exams and have the same opportunities to benefit from scholarships and other study grants. Furthermore, the guidance offered after the various cycles complies with objective criteria, including the student's choice, his or her results, and the availability of places. But the figures show that the numbers of females decline in step with progress through the system:

	Primary	Secondary	Higher
Girls	44.9%	36.5%	26.8%
Boys	55.1%	63.5%	73.2%

Source: Planning Office and Department of Primary Education.

Strategies will have to be devised to augment the attendance rate for girls, who naturally prefer short courses or courses leading to careers in the social sector.

In 1979 the illiteracy rate was 88.2 per cent for women and 70.1 per cent for men.4/ In 1990 women accounted for 74.6 per cent of illiterates and men for 66.1 per cent.5/ This improvement is due to the improvement in the school attendance rate for girls (the organized adult literacy programme is a very recent initiative). The work of the National Literacy Service created in May 1991 has been impeded by a very low enrolment rate of 12 per cent of the potential beneficiaries, exacerbated by a high drop-out rate of 26 per cent and a shortage of training personnel.

The Service is nevertheless collaborating effectively with the various development programmes with a view to designing functional literary booklets (on family planning, campaign against AIDS and other sexually transmitted diseases, hygiene, nutrition, etc.). The Catholic Church has made an outstanding contribution to improving women's literacy.

The National Reproductive Health Programme and the projects and NGOs supported by the United Nations Population Fund (UNFPA) have developed an information, education and communication programme designed to furnish better information to the public on reproductive health by means of the gender approach. Several measures have been taken:

- Community and social-mobilization leaders, most of them women, have been trained. This training equips them to raise the awareness of people in general and women in particular about the benefits of breastfeeding and antenatal and postnatal medical checks, and about AIDS, women's rights with respect to reproductive health, nutrition of mothers and infants, immunization, etc.;

- Reproductive health topics of particular interest to young people (AIDS/STDs, unwanted pregnancies, etc.) have been incorporated in primary and secondary education programmes and are raising young people's awareness;

- Training has also been given to girl guides and boy scouts. This method raises the awareness of young people who attend the classes and of those who do not;

- A network of journalists informed about the gender approach and reproductive health has been set up. This network cooperates with the Advocacy Project of the Ministry of Communication. Regular radio programmes are broadcast as part of this work.

4/ Report on the General Population Census 1979, Ministry of the Interior, Population Department.

5/ Report on the General Population Census 1990, Ministry of the Interior, Population Department.

9. EMPLOYMENT

Article 11 of the Convention

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

In the legal texts women have the same right to work as men. Article 35 of the Constitutional Act of Transition states: "The State accords the right to work to all citizens and shall endeavour to create the conditions to render the exercise of this right effective. It recognizes the right of all persons to enjoy fair and satisfactory working conditions and guarantees workers fair remuneration for their services or their production."

Women and men have the same employment opportunities. They compete with each other in response to advertised job vacancies. The conditions of recruitment are the same for both sexes. However, subjective criteria sometimes come into play, to the detriment of women.

There is no discrimination with regard to choice of occupation. All women may freely choose their occupation or job. Furthermore, the Labour Code treats men and women on an equal footing with respect both to benefits and working conditions and to the right to vocational training and retraining, including other advantages such as advanced vocational training (art. 132).

Men and women are treated on the same basis of equality in the case of conditions of remuneration and benefits. Article 36 of the Constitutional Act states: "Given equal skills, all persons have the right, without any discrimination, to equal pay for equal work." And article 73 of Decree-Law No. 1/001/93 of 7 July 1993, amending the Labour Code, states: "Under equal conditions of work, vocational qualification and performance, the pay shall be the same for all workers, irrespective of their origin, sex or age."

The rights to social security and health protection are similarly guaranteed for men and women by the National Social Security Institute (INSS) or by the civil service, depending on whether the person is employed on a contractual or permanent basis. These same rights are protected by articles 146-150 of the Labour Code.

The State of Burundi has already taken appropriate measures to prevent discrimination against women on the grounds of marriage or maternity and ensures their effective right to work. These measures are embodied in articles 122-125 of the Labour Code. But the law still contains one area of discrimination against working women, for they do not receive family allowances in respect of their children, and their wages are taxed without reference to the number of children they support.

Provisions on working conditions specific to women are to be found throughout the Civil Service Statute and the Labour Code. These provisions relate, for example, to pregnancy, breastfeeding, and maternity in general, but there is always a proviso requiring the issue of the relevant certificate by a doctor (arts. 122-124). Pregnant workers are entitled to maternity leave of 12 weeks. In contrast, in certain private-sector services a woman's pay is cut by half during maternity leave, although this is precisely the time when she needs her whole income to meet the costs of childbirth.

Despite the existence of fundamental provisions guaranteeing the right to employment, promotion and social security, a detailed analysis of the reality of the exercise of these rights and of their observance by the State and other employers produces the following conclusions:

- The right to employment and social security is an idealistic goal, for no State can guarantee its citizens full employment. It is often found that when there is a serious shortage of jobs in the skilled-labour market male candidates are preferred to female ones;

- The problems of women's employment were aggravated by the structural adjustment programme (SAP), which reduced the jobs market. The staff cutbacks resulting from the SAP generally affect the low-level jobs, which are held mainly by women owing to their poor standards of training;

- The inferiority complex perpetuated by society, which invokes custom in order to avoid change, often prevents women from competing with men for top-level or managerial posts;

- Women are not sufficiently involved in the representative functions or offices of the bodies campaigning for improvement of living and working conditions (trade-union committees, workplace health and safety committees, works councils, joint employer/worker commissions);

- Where promotion is concerned, many employers assign more managerial responsibilities to men and do not promote women on merit. Even when a woman does manage to find a good situation, she will rarely be given a post at the director level, as is confirmed by data collected from a number of banks and other financial institutions:

Distribution of posts between men and women in the Bank of the Republic of Burundi (BRB - the Central Bank)

	1991 (before ratification of the Convention)			1997		
	Men	Women		Men	Women	
Post	No.	No.	%	No.	No.	%
Directors	3	0		3	0	0
Directors' advisers	-	0		4	0	0
Service heads	16	4		10	7	41
Deputy service heads	10	5		10	4	29
Section heads	-	-		11	8	42
Subtotal-1	29	9	23.7	38	19	33.3
Managers				74	36	33
Assistant managers	219	144		59	82	58
Administrative staff	-	-		76	31	29
Others	32	19		37	20	35
Subtotal-2	251	163	39.4	172	133	43.6
Total	280	172	38.1	284	188	39.8

Source: BRB, May 1998.

Although women do not advance to become directors in the Central Bank, there has been some effort at integration: in 1997 women held 33.3 per cent of managerial posts, as against 26.07 per cent in Parliament in 1998, 3.7 per cent in the central administration in 1997, and 16.9 per cent in the magistracy in 1998.

Even if women's access to managerial posts in the Bank has improved, they are not entitled to the same benefits as men: between 1991 and 1997 only three women, compared with 28 men, obtained a housing loan. This is due to the Bank's practice, for up to June 1999 it would allow only women heads of household to receive this kind of benefit. Fortunately, this practice has been abolished. Since 1 July 1999 loans have been granted according to objective criteria unconnected with the sex of the applicant.

In the case of health care, moreover, women's dependants do not enjoy the same benefits as men's.

Where fundamental freedoms are concerned, the Bank's rules impose dress and hairstyle restrictions on women (no trousers, no braids), which are felt by women to constitute mental aggression and discrimination.

Distribution of posts between men and women in some commercial banks and financial institutions

	1991			1997		
	Men	Women		Men	Women	
Post	No.	No.	%	No.	No.	%
Directors	19	1	5	27	5	16
Directors' advisers	26	3	10	27	5	16
Service heads	43	11	20	41	16	28
Deputy service heads	8	0	0	8	1	11
Section heads	14	12	46	20	13	39
Subtotal-1	110	27	20	123	40	25
Managers	48	35	42	53	71	57
Assistant managers	108	165	60	138	181	57
Administrative staff	148	67	31	150	51	25
Others	60	18	23	57	2	3
Subtotal-2	364	285	44	398	305	43
Total	474	312	40	644	385	37

Source: BCB-BNDE-CAMOFI-SOCABU-INSS-MFP, September 1998.

Housing loans granted to staff by some commercial banks and financial institutions (in millions of Burundi francs)

		Men			Women		
Year	Total loans	No.	Amount	%	No.	Amount	%
1991	40 579 114	20	37 332 881	92	11	3 246 233	8
1992	65 195 881	23	56 657 881	87	4	8 538 000	13
1993	93 177 959	21	61 630 881	66	10	31 547 078	34
1994	160 130 827	26	81 959 749	51	18	78 171 078	49
1995	116 035 959	24	80 052 881	69	10	35 983 078	31
1996	123 851 881	21	92 900 881	75	10	30 951 000	25
1997	189 126 608	23	172 263 000	91	25	16 863 608	9
Total	788 098 229		158	74	88	205 300 075	26

Source: BCB-BNDE-CAMOFI-SOCABU-INSS, September 1998.

Other types of loan granted to staff by some commercial banks and financial institutions (in millions of Burundi francs)

		Men			Women		
Year	Total loans	No.	Amount	%	No.	Amount	%
1991	26 140 000	77	20 009 000	77	20	6 131 000	23
1992	12 948 051	51	6 131 000	47	18	6 817 051	53
1993	24 215 000	42	18 460 000	76	13	5 755 000	24
1994	38 918 000	57	30 097 000	77	24	8 821 000	23
1995	50 551 000	70	30 031 000	59	39	20 520 000	41
1996	45 867 000	41	36 071 000	79	16	9 796 000	21
1997	47 594 000	62	37 798 000	79	14	9 796 000	21
Total	246 233 051	400	178 597 000	73	144	67 636 051	27

Source: BCB-BNDE-CAMOFI-SOCABU-INSS, September 1998.

These three tables show that in commercial banks and financial institutions fewer women advance to managerial posts than in the Central Bank (24.5 against 33.3 per cent) but that they are better treated in terms of social benefits. Between 1991 and 1997, in fact, 88 women, compared with 158 men, received 26 per cent of housing loans, and 144 women, compared with 400 men, received 27 per cent of other types of loan.

The aim is not to highlight the specific situation in each bank but to analyse the general trend, which reveals that:

/...

- Housing loans for women increased from 1991 to 1994 but fell back from 1994 almost to their 1991 level. Has the crisis had a particular effect on women in this respect?

- Other types of loan granted to women have not shown a constant pattern.

These two facts point to the absence of any approach giving priority to the principle of equality between men and women.

10. HEALTH

Article 12 of the Convention

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

It must be made clear at the outset that the health services are confronted with problems connected with the country's lack of resources and that the health of the population at large suffers as a result. Women are no exceptions to this rule even though there is no discrimination against them. The precariousness of the health situation is caused by several factors: the high birth rate, poverty, malnutrition, lack of information, and excessive burdens of work; all these factors further undermine women's health.

The crisis which broke out in 1993 has aggravated a situation which was relatively good in some respects. It led to the degradation or destruction of almost 30 per cent of the existing infrastructure, cutbacks in care personnel (death, displacement, emigration), disruption of the supply system, etc. The decline in a number of health indicators testifies to this situation:

	1993	During the crisis
Health infrastructure	33 hospitals and 249 health posts	30% of infrastructure damaged or destroyed
Number of qualified providers per health post	3 to 4	1 to 2
Maternal mortality per 100,000 live births	445	826 in 1997
Rate of contraceptive use	4%	1.7% (1994); 3.4% (1997)
Tuberculosis vaccine cover	96%	64%
Measles vaccine cover	74%	50%

Sources: CPPF and Rapport National de Développement Humain au Burundi 1997.

Reproductive health and family planning

Confronted with a fertility rate of 6.8 children per woman, a population growth rate of 2.8 per cent, and a population density of 230 inhabitants per km^2, in 1983 the Government deemed it necessary to introduce a family planning policy. Special social programmes were established, with UNFPA assistance, to raise the awareness of women and young people, whether attending school or not, about reproductive health issues, including family planning. Women are certainly better informed now about the problems of maternity and about the various methods of contraception. Although contraceptive use is still limited, there was a slow but positive increase (1 per cent a year) between 1990 and 1993, in contrast with previous years. Some provinces (Kayanza, Ngozi) had already achieved a rate of 9 to 10 per cent, but contraceptive use has also been affected by the crisis. A survey in the displaced persons' camps revealed that almost one in four (23.6 per cent) of the women who had been using contraceptives before the crisis no longer did so.6/ Some people even thought it wrong to talk about family planning at a time when they had to "replace" those removed by the crisis.

More than 80 per cent of births take place at home in precarious conditions of hygiene and often without skilled assistance; this largely explains a maternal mortality rate estimated at over 800 per 100,000 live births. The Government will have to redouble its efforts to promote reproductive health, especially in rural areas, where most of the people are illiterate.

6/ Study on the situation of women affected by the crisis in Burundi, PROJETS UPP/APF.

Anti-AIDS campaign

No legislation is currently envisaged to protect HIV-infected persons with respect to employment, marriage, divorce or travel. A bill does exist but has not yet been enacted. Sexually transmitted diseases, which prepare fertile ground for HIV infection, are advancing at an alarming rate in Burundi. The HIV seropositive rate in urban areas was under 1 per cent in 1983 but it was estimated at 21 per cent in 1997. The rate has undergone the same lightning-fast increase in rural areas, from 0.73 per cent in 1983 to 5.9 per cent in 1997.7/ This pandemic risks the total destruction of the achievements in the improvement of health over the past 50 years. At the present rate the current life expectancy of 52 years, which had been forecast to stand at 60 years in 2010, will be only 39 years by then.8/ The aggravating factor is the forced migration resulting from the crisis, for the poverty and overcrowding in the camps often lead to looser behaviour and prostitution.

At present the rate of bed occupancy by AIDS patients in the internal medical services ranges from 4 to 40 per cent in rural hospitals and from 60 to 70 per cent in the hospitals in Bujumbura. The number of known deaths is over 9,000 a year for the whole country. The number of AIDS orphans was estimated at 45,000 in 1998.9/

In the fight against AIDS the detection measures and the capacity to care for the sick remain inadequate to cope with the scale of this scourge:

- The National Anti-AIDS Programme (PNLS) coordinates the activities. It is concerned mainly with AIDS-prevention. There is also a care service, which ought to be decentralized to the provinces. The results obtained by these arrangements are very poor owing to the suspension of bilateral cooperation and the blockade. Only 15 per cent of AIDS patients and 5 per cent of the orphans are being cared for. The highest authorities are aware of the seriousness of the problem, and the battle against AIDS is now a priority for Burundi. The President of the Republic undertook to triple the PNLS/STD budget for the 1999-2000 financial year and to increase it by 5 per cent a year for the duration of the 1999-2003 strategic plan;

- One of the activities of the NGOs and the projects financed by UNFPA is to inform the people about means of combating AIDS. Some of them distribute free condoms;

- The Health Information Project undertakes the social marketing of condoms;

- AIDS patients and orphans are receiving social care from some NGOs (SWAA/Burundi, FVS, and religious groups).

7/ Rapport National de Développement Humain au Burundi 1997.

8/ Ibid.

9/ Ibid.

Distribution of health services between rural and urban areas

The care personnel and health facilities are distributed unevenly between the capital, Bujumbura, and the rest of the country. Bujumbura has 4 per cent of the population (235,440 in 1990) but it alone employs 39.2 per cent of the paramedical personnel, 66.2 per cent of the general practitioners, and 68 per cent of the specialists. Despite this imbalance, it should be noted that the service rate is regarded as satisfactory, for it is estimated that 80 per cent of the population lives within a radius of eight kilometres of a health post.

Abortion

Abortion is prohibited in Burundi and punished by law. Abortion occupies first place among offences against the family order - an extremely controversial topic. It is a moral, philosophical and even religious problem, to which no universally acceptable solution can be found.

The people of Burundi are traditionally respectful of human life, even if the crises which periodically shake the country give the opposite impression. Articles 353, 355 and 356 of Book II of the Criminal Code demonstrate that human life may not be attacked with impunity, even if the life in question is still in the womb. For example, article 353 states: "Any person who by means of food, drink, drugs, violence or any other means causes a women to abort, except in the cases specified by law, shall be sentenced to imprisonment for a term of between six months and two years and to a fine of between 1,000 and 5,000 francs."

The same penalties are applicable to women who voluntarily secure an abortion (art. 356). It is also stipulated that if an attempted abortion causes the death of the woman, the guilty parties shall be sentenced to 20 years' imprisonment (art. 355).

The only acceptable abortions are therapeutic ones, when the baby is sacrificed to save the mother. Even in such cases the abortion must be approved by two doctors in accordance with the code of medical ethics (art. 357).

Without wishing to go too far in liberalizing abortion, as several Western countries have done, in order to solve a social or demographic problem, Burundi's Legal Code allows that the social requirements of the place where the abortion would take place shall be taken into consideration (art. 357.2). It would in fact be wrong to go against the current trend and ignore certain social necessities, such as the need to alleviate the distress of a pregnant woman.

Since abortion is an offence punishable by law, many abortions are carried out secretly. There are no official statistics on the number of illegal abortions brought before the courts. The scale of the complications resulting from illegal abortion is unknown. Such complications are difficult for the health system to deal with, for the women come to hospital too late.

A study on maternal mortality conducted in three Bujumbura hospitals revealed that 6.5 per cent of cases of secret abortion were prosecuted. Another study showed that illegal abortions accounted for 8 per cent of all admissions in the maternity service and that 45 per cent of the persons admitted were

schoolgirls or students.10/ There is no well defined strategy to combat abortion in Burundi, despite these alarming figures.

Traditional practices prejudicial to women's health

Fortunately, women in Burundi do not have to suffer the mutilation of genital organs that occurs in some African countries. As a result of Burundi's openness to the outside world and thanks to education, even certain food taboos, which were the cause of an unbalanced diet, are no longer applied. On the other hand, rural women have to work for up to 17 hours a day. They are the first to get up and the last to go to bed. Even when pregnant, they continue working until their first contractions. Society's large-family outlook leads to the exhaustion of its women, for they continue to have children right up to the menopause.

Adolescent pregnancy

Adolescents constitute the group most vulnerable to sexual abuse and early pregnancy. Such pregnancies sometimes have very serious social consequences such as rejection by family and society and expulsion from school.

Between 1980 and 1990 pregnancy was the main reason for the expulsion of girls from secondary school: out of a total of 272 cases of expulsion, 127 girls were expelled for pregnancy.

Most of the associations and NGOs concerned with the reproductive health of young people do not limit themselves to the sole area of combating AIDS and other sexually transmitted diseases. Reproductive health and family planning measures to help this target group are carried out by the Family Welfare Association of Burundi (ABUBEF), the EVF/EMP Project (Education for Family Life/Education in Population), the Rural Education Office (BER), the Advocacy Project and the Health Information Project. In addition, a focal point for coordination of the reproductive health and adolescent sexuality component has just been set up in the Coordination Office of the National Reproductive Health Programme (PNSR), which has made this component a priority in its forthcoming measures.

Maternal breastfeeding

Maternal breastfeeding causes no problems in Burundi, since almost 100 per cent of mothers naturally breastfeed their babies. In rural areas babies are breastfed beyond the age of 12 months, a practice which results in a natural spacing of births of about two years.

However, natural breastfeeding does suffer in urban areas because of the unavailability of the mothers, who often go out to work, and because of competition from powdered milk. A "baby-friendly hospital" project has been undertaken in the hospitals, but the seropositive rate among women diminishes the possibility of breastfeeding.

10/ Thematic report on reproductive health by Dr. Muteganya, UNFPA, April 1998, p. 18.

11. ECONOMIC AND SOCIAL LIFE

Article 13 of the Convention

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to family benefits;

(b) The right to bank loans, mortgages and other forms of financial credit;

(c) The right to participate in recreational activities, sports and all aspects of cultural life.

Right to family benefits

Under the Civil Service Statute, women are entitled to have their families cared for on the same terms as men. However, a married woman receives family benefits for her children only if she is the head of the family.

Right to bank loans

Women are the backbone of the family in Burundi because they make an outstanding contribution to improvement of the family's well-being. They are a particularly important presence in the primary sector, where they engage in the production, processing, distribution and marketing of farm goods. The ceaseless monetarization of society is creating new needs in family life and prompting women to join in the search for new sources of income. To this end they need to have access to credit and engage in commercial activities.

It may be noted with satisfaction that the laws prejudicial to women entrepreneurs have been repealed. A woman no longer has to obtain her husband's permission to open a bank account, engage in business, or take out a loan. In banking practice, the spouse (man or woman) must give his or her consent to the release of a sizeable loan. The spouse must attend in person to give this consent. The practice has preceded the law in this area in order to protect families against excessive borrowing by one of the spouses. The law will have to be brought up to date.

Unfortunately, the number of loans granted to women remains insignificant; they are generally made only for current expenditure and the purchase of small appliances. Housing and business loans remain a male prerogative:

Loans made to women by commercial banks
(in millions of Burundi francs)

		Women's share		Men's share	
Period	Total loans	Amount	%	Amount	%
1993	33 672.7	300.7	0.9	33 372.0	99.1
1994	39 794.2	309.4	0.8	39 484.8	99.2
1995	37 922.1	527.1	1.4	37 395.3	98.6

Source: Report of the seminar on strategies for promoting women entrepreneurs, Projet Best 1996.

In order to alleviate this situation, women have banded together in loan associations, which have achieved perceptible results.

Loans made within the framework of the women's associations movement in Bujumbura City

	Amounts loaned (in Burundi francs)			
Year	Tontine Rohero	APEF	DUFANSHANYE KININDO	CECM
1988	305 000			
1989	950 000	1 171 000		
1990	1 577 000	2 270 000		
1991	3 134 400	660 000		
1992	3 790 000	2 450 000		
1993	4 410 000	2 509 000		
1994	8 078 000	1 937 500	136 000	
1995	6 900 000	4 150 000	502 000	
1996	11 710 000	7 682 500	693 000	20 750 000
1997	13 850 000	13 870 000	1 417 000	79 732 581
Total	54 704 400	37 300 102	2 748 000	100 482 582

Source: Rapport National de Développement Humain au Burundi 1997, p. 71.

Unfortunately, there are few initiatives of this kind in rural areas, but the Ministry for Social Action and the Advancement of Women and some projects and NGOs are encouraging rural women to join together in income-producing activities.

Right to cultural life

Women's participation in recreational activities, sports and all aspects of cultural life causes no problem from the legal or institutional standpoints.

The big obstacle is women's excessive burden of work, for in rural areas it means that they have no time for other activities.

12. RURAL WOMEN

Article 14 of the Convention

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health care facilities, including information, counselling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) To organize self-help groups and cooperatives in order to obtain equal access to economic opportunities through employment or self-employment;

(f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

More than 90 per cent of Burundi's women live in rural areas. Some space must therefore be devoted to the situation of rural women and their specific problems.

In terms of the basic social services (health and education) rural women are disadvantaged by the geographical distribution of the facilities, which are concentrated in the towns. Bujumbura City alone employs the services of 66.2 per cent of the general practitioners and 68 per cent of the specialists although it is estimated to have only 4 per cent of the total population. The

already excessive domestic burdens of rural women are aggravated by the distances they have to travel to reach the various basic social services. This largely explains the high rate (80 per cent) of home confinements in precarious conditions of hygiene. The maternal mortality rate of 826 deaths per 100,000 live births is also due to the failure to refer women experiencing pregnancy problems to a health facility.

The effort made by the authorities to bring the facilities closer to the people and redeploy the medical personnel must be acknowledged. The State has also introduced a social security system to provide families with access to health care: the health insurance card costing 500 Burundi francs (under $1.20) is within the pocket of all households. It gives the holder and his or her minor dependants entitlement to free consultations in the public health facilities for one year.

The situation has deteriorated as a result of the crisis, for the number of qualified health providers, which stood at three to four per health post before the crisis, has now fallen to one to two. In addition, 30 per cent of the health infrastructure has been damaged or destroyed.

In the case of reproductive health, with UNFPA support the Government has initiated projects targeted on rural women. The activities have been described in the section of this report dealing with health. Mention may be made here of the project on gender and development in rural areas, which furnishes support to the Ministry for Social Action and the Advancement of Women. Its principal goal is to help to ameliorate the well-being of rural women and the living conditions of their families by training community leaders and workers in reproductive health and family planning, to make men and women of reproductive age more aware of these matters, and to promote income-generating activities by means of women's associations.

From the economic standpoint, a peasant woman is totally dependent on her husband. She is deemed to own nothing, even if she is the pillar of the family economy. She cannot inherit either from her father or from her husband. And paradoxically she has no control over what she produces, especially if the products are marketable.

The State and its institutions are aware of this situation. The current anti-poverty programmes give emphasis to women's associations based on income-generating activities. In these associations women have an opportunity to decide on the use to which their own income is put.

13. THE LEGAL CAPACITY OF WOMEN

Article 15 of the Convention

1. States parties shall accord to women equality with men before the law.

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to

administer property and shall treat them equally in all stages of procedure in courts and tribunals.

3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Article 17 of the Constitutional Act of Transition establishes the equality of men and women before the law. In Burundi, men and women have the same legal status in civil matters, in the conclusion of contracts, and in the administration of their property. Men and women are treated equally before the courts and tribunals.

The provisions of Book III of the Legal Code render null and void, without distinction between men and women, any arrangement intended to limit legal capacity.

Since the amendment of the Code of the Person and the Family on 28 April 1993 by Decree-Law No. 1/024 the women of Burundi have enjoyed the right to freedom of movement. The husband's authorization is no longer needed by a woman wishing to travel. Married women make their choice of residence and domicile in agreement with their husband (art. 124). In the event of disagreement, each spouse has the right of recourse to the family council and, if necessary, to the courts (arts. 124.2 and 380).

14. MARRIAGE

Article 16 of the Convention

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

(c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

Decree-Law No. 1/024 of 28 April 1993, amending the Code of the Person and the Family, introduced many improvements in support of equality between men and women before the law and in marriage. These improvements will be found in the provisions on:

- The conjugal domicile of the spouses (arts. 21 and 124);

- The exercise of a profession or a commercial or other activity by a woman (art. 127);

- The grounds for divorce (art. 127);

- Parental authority (art. 286).

Article 87 of the Code states: "Marriage is the voluntary union of a man and a woman in accordance with civil law." Men and women thus have the same right to choose freely and to enter into marriage only by their free consent. The payment of a dowry may in no case constitute a condition of the validity of a marriage even if there is a written commitment between the future spouses (art. 93). Betrothals and dowries have no legal effect in Burundi.

During a marriage and at its dissolution the husband and wife have the same rights (arts. 121-131 and 158-195) and the same responsibilities, irrespective of their marital status, with regard to their children (arts. 284-298). The interests of the children are paramount in all cases.

Men and women have the same rights with regard to the spacing of births and access to the information, education and means to enable them to exercise these rights.

Men and women have the same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children (arts. 299-334, 288-290 and 245-261).

The minimum age for marriage is fixed at 21 years for men and 18 years for women (art. 88). Exceptions to this rule are established by law (arts. 89-93). Exceptions may be made only on serious grounds, such as pregnancy.

The registration of marriages in the official registry and the publication of bans are compulsory (arts. 113-119).

CONCLUSION

The general social, economic, political and legal context within which Burundi is addressing the question of the elimination of all forms of discrimination against women is not a very auspicious one. As we have seen, the country has been in a peculiar situation since 1993 owing to the ongoing crisis, which weighs heavily on all the country's boys and girls but even more oppressively on the most vulnerable groups among the affected population: the poor, the elderly, the children and the women. The most elementary rights such as the right to life or the right to shelter are daily trampled under foot, as in all countries at war.

The brief analysis set out in these pages will have shown that, despite the persisting difficulties,

- The question of the advancement of women has already been incorporated among the concerns of the authorities and of the general public;

- Burundi's legislators have amended a number of laws which damaged women's rights;

- More women have entered the labour market, and women have also taken up some senior posts.

But as a result of the crisis the situation of women has deteriorated in the sensitive areas of health, education, etc. Many women are living below the poverty line, especially the ones continually displaced by the crisis. Genuine promotion of human rights in general and of women's rights in particular requires, in addition to the political will manifested in the ratification of international conventions and treaties and the enactment of laws and other instruments for their implementation, resources which measure up to these ambitions. Joint efforts by Burundi and the international community are essential if this challenge of eliminating all de jure and de facto discrimination against women is to be taken up.

At the institutional level, the Government will reinforce the two ministries responsible for promoting all human rights and especially the rights of women:

- The Ministry for Human Rights, Institutional Reform and Relations with the National Assembly;

- The Ministry for Social Action and the Advancement of Women.

Moreover, the establishment of a national multidisciplinary commission on the advancement of women will make it possible for the specific needs of women to be taken into consideration in all sectors. This commission will have special responsibility for monitoring the measures for the advancement of women taken in various fields.

At the legal level, in the near future the Government will have to take decisions on the areas still governed by customary law, which is impeding the promotion of equality of opportunity between men and women. The existing laws

will be publicized and strengthened by implementation measures. This commitment was solemnly stated by the Second Vice-President of the Republic, who is responsible for economic and social affairs, on International Women's Day in 1999.

At the economic and social level, the Government will reinforce the strategies for the advancement of women, which are being translated into action through programmes incorporating the specific needs of women in all sectors. The participatory approach in which women occupy a leading place will be encouraged in the formulation of development policies. As main producer of the nation's wealth, rural women will have to receive the attention of the planners, so that their living conditions may be ameliorated through a better distribution of basic social services, the introduction of improved technology, easy access to safe water, upgraded housing, etc.

At the conclusion of this report on the state of the implementation of the Convention, the Government of Burundi would like to call upon the international community for its support, which is more than essential at this time of profound socio-political crisis, to sustain Burundi in its quest for peace and development. With all the good intentions in the world, the situation of women will remain dependent on the country's overall level of development.

Bibliography

- Convention on the Elimination of All Forms of Discrimination against Women
- Manual on Human Rights Reporting, United Nations, New York, 1992
- Decree-Law No. 1/93 of 10 August 1971, enacting the Nationality Code
- Decree-Law No. 1/6 of 4 April 1981, amending the Criminal Code
- Decree-Law No. 100/5 of 13 February 1983, establishing the Ministry for the Advancement of Women
- Decree-Law No. 1/024 of 28 April 1993, amending the Code of the Person and the Family
- Decree-Law No. 1/22 of 16 March 1993, enacting the Electoral Code
- Decree-Law No. 1/088 of 6 June 1998, promulgating the Constitutional Act of Transition
- Decree-Law No. 1/037 of 7 July 1993, amending the Labour Code
- National Plan for Implementation of the Beijing Platform for Action, MASPF, Bujumbura, 1997
- Strategic Plan 1999-2003, Ministry of Health, PNLS/MST, Bujumbura, April 1995
- Study on the situation of women stricken by the crisis in Burundi, Projets UPP/APF, Bujumbura, April 1995
- Thematic report on reproductive health, UNFPA, April 1998
- Report of Burundi on the implementation of the Nairobi Forward-Looking Strategies, MASPF, Bujumbura, 1994
- Rapport National de Développement Humain au Burundi 1997, MPDR/UNDP, Bujumbura, 1998
- Report of the provincial discussion days on the topic Gender-Population - Sustainable Development in Burundi, GDZR-Muramvya and Ngozi project, 1998
- Report of the meetings held to mark International Women's Day 1998, MASPF, Bujumbura, 1998

/...

Annex

Authors

- Sabine SABIMBONA, Member of Parliament
- Gaudence RWAMAHEKE, Director-General in the Ministry for Social Action and the Advancement of Women
- Emmanuel JENJE, Counsellor in the Ministry for Institutional Reform and Relations with the National Assembly
- Constance MAREGEYA, National Director of the project "Gender and development in rural areas"

List of participants in the workshop to ratify the initial report on the state of the implementation of the Convention

Surname and forenames	Institution represented
1. BANGIRANAMA Matrone	Ministry of Dev. Planning and Reconstruction
2. BARANGENZA Laurent	National Radio and Television of Burundi
3. BARANYIKWA M. Thérèse	Ministry of Health
4. BARENGAYABO Léoncie	Family Welfare Association
5. BARIHUTA Monique	Office of the First Vice-President
6. BIDUGA Concilie	National Radio and Television of Burundi
7. BIGIRIMANA Euphrasie	Project "Gender and development in rural areas"
8. BUKURU Marguerite	Office of the Burundi High Commissioner for Human Rights
9. BUKWARE Béatrice	National Economic Development Bank
10. EHMEIR Walter	Office of the Burundi High Commissioner for Human Rights
11. HAKIZIMANA Spéciose	WHO
12. HAZIKAMANA Gérard	Project "Gender and development in rural areas"
13. HAZIKAMANA Générose	Ministry of Foreign Affairs
14. HAZIKAMANA Shamu Jeanne	National Radio and Television of Burundi
15. HARAGIRIMANA François	Project "Gender and development in rural areas"
16. JENJE Emmanuel	Ministry for Institutional Reform and Relations with the National Assembly
17. KAMAGANA Constance	Association of Women Lawyers
18. KARISABIYE Jacqueline	Ministry for Social Action and the Advancement of Women
19. KATABARUMWE Madeleine	Office of the Burundi High Commissioner for Human Rights
20. KINYAMWANIRA Gaspard	Ministry for Social Action and the Advancement of Women, Department of Social Action
21. KIYOGOMA Vénérande	Association for the Defence of Women's Rights
22. MANIRAMBONA Séraphine	Project "Gender and development in rural areas"
23. MAREGEYA Constance	Project "Gender and development in rural areas"
24. MATEGEKO Caritas	Commercial Insurance Company of Burundi
25. MBAZUMUTIMA Rénovat	Municipality of Bujumbura
26. MBONABUCA Térence	Ministry of Labour
27. MUGOZI Agnès	Support for girls not attending school
28. NAHIMANA Rose	Coordination Bureau of the National Family Planning Programme
29. NCUTINAMAGARA Appolinaire	Ministry of Justice

/...

30. NDAKORANIWE Floride	IEC project
31. NDAYISENGA M.-Amélie	Office of the Burundi High Commissioner for Human Rights
32. NDAYIZIGIYE Grégoire	National Radio and Television of Burundi
33. NGENDAKUMANA Christine	National Radio and Television of Burundi
34. NIBIGIRA Concilie	Collective of Women's Associations and NGOs
35. NIBONA Adèle	UNESCO
36. NICOBAHARAYE Oscar	National Social Security Institute
37. NIHASIGAYE Spès	Bank of the Republic of Burundi
38. NIYONKURU Joséphine	Ministry of Communications
39. NKORIPFA Corneille	Office of the President of the Republic
40. NSAVYIMANA Florence	National Anti-AIDS/STD Programme
41. NSHAMAYE Marguerite	UNHCR
42. NTAHE Christine	Credit Bank of Bujumbura
43. NTAHOBARI Joséphine	National Committee to Follow-up the Beijing Recommendations
44. NTAMATUNGIRO Edouard	Office of the Second Vice-President
45. RUVAKUBUSA Liliane	Commercial Bank of Burundi
46. RWAMAHEKE Gaudence	Ministry for Social Action and the Advancement of Women
47. SAMBINBONA Sabine	National Assembly
48. SAHABO Jean Marie	National Radio and Television of Burundi
49. SEFU Rehema	Project "Education for family life/Education in population"
50. TWAGIRAYEZU M. Goreth	Ministry for Social Action and the Advancement of Women, Advancement of Women Department

---